

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 19, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-13521 - APPLICANT: RED VISTA DEVELOPMENT -
OWNER: JONES ESTATES DEVELOPMENT, LLC**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-13520), Waiver (WVR-13523), and Site Development Plan Review (SDR-13524) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Variance to allow a 2.56-acre R-PD Residential Planned Development, zoning district where five acres is the minimum site area required, at 5020 N. Jones Boulevard.

EXECUTIVE SUMMARY

The applicant is proposing a four-lot subdivision with an average lot size of 18,222 square feet with an overall density of 1.56 Units Per Acre. The applicant is seeking R-PD zoning as there is no applicable conventional zoning district that will facilitate the development. R-PD zoning requires a minimum site area of five acres, and the applicant is seeking relief from this standard as the site is surrounded by existing development, with no option of increasing the size of the site through future acquisition of adjacent land.

BACKGROUND INFORMATION

A) Related Actions

- 06/22/06 The Planning Commission recommended approval of companion items ZON-13520, WVR-13523 and SDR-13524 concurrently with this application.
- 06/22/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #21/jm).

B) Pre-Application Meeting

- 04/19/06 Issues discussed included general Rezoning, Waiver, Variance, and Site Development Plan Review application requirements.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 2.56
Net Acres: 1.98

B) *Existing Land Use*

Subject Property: Undeveloped
North: Single Family Residential
South: Service Commercial
East: Single Family Residential
West: Single Family Residential

C) *Planned Land Use*

Subject Property: R (Rural Density Residential)
North: R (Rural Density Residential)
South: R (Rural Density Residential)
East: R (Rural Density Residential)
West: R (Rural Density Residential)

D) *Existing Zoning*

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates)
South: R-E (Residence Estates)
East: R-E (Residence Estates)
West: R-D (Single Family Residential – Restricted)

E) *General Plan Compliance*

The subject site is located within the Centennial Hills Sector of the General Plan with an R (Rural Density Residential) land use designation, which allows for residential development of up to 3.59 Units Per Acre. The proposed rezoning to the R-PD2 (Residential Planned Development - 2 Units Per Acre) zoning district is consistent with the General Plan designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The site is not within any Special Area Plan, Overlay District and is not affected by any other specific City land use policy.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08.040, the minimum site area that is required for rezoning to the R-PD (Residential Planned Development) zoning district is five acres. Since the subject property contains 2.56 acres, the applicant is requesting a Variance to reduce the five-acre minimum lot size to permit Rezoning (ZON-13520) of the property to an R-PD2 (Residential Planned Development - 2 Units Per Acre) Zone.

B) General Analysis and Discussion

As stated above, this is a request for a Variance to allow an R-PD (Residential Planned Development) Zone on 2.56 net acres where 5.00 acres is the minimum required. Without the approval of a Variance, it is not possible for the property to develop in the manner proposed.

As this is an infill parcel, no additional land is available to develop according to the requirements of a standardized zoning district. There is no alternative design or option that would allow conformance to these specific Title 19 requirements. In view of the limitations imposed by the site's physical characteristics, it is concluded that the applicant's hardship is real, and it is recommended that the Variance be granted.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted

so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

As this is an infill parcel, no additional land is available to develop according to the requirements of a standardized zoning district. There is no alternative design or option that would allow conformance to these specific Title 19 requirements. In view of the limitations imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is real, and it is recommended that the Variance be granted.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 6

NOTICES MAILED 91 by City Clerk

APPROVALS 0

PROTESTS 0